

IN RE: **PETITION FOR VARIANCE**

N/S Poplar Road, 48' E of Intersection with
Lourdes Road
(2010 Poplar Road)
15th Election District
6th Council District

Robert Duley, et ux
Petitioners

BEFORE THE

ZONING COMMISSIONER

OF

BALTIMORE COUNTY

Case No. 2010-0250-A

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner for consideration of a Petition for Variance filed by the legal owners of the subject property, Robert Duley and his wife, Sandra Duley. The Petitioners request a variance from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 22.5 feet (each side) in lieu of the required 50 feet for a replacement dwelling on existing lots of record.¹ The subject property and requested relief are more particularly described on the site plan submitted which was accepted into evidence and marked as Petitioners' Exhibit 1.

Appearing at the requisite public hearing in support of the requests were Robert Duley, property owner, and David Billingsley, of Central Drafting and Design, Inc., the consultant who prepared the site plan and is assisting the Petitioners through the permitting process. There were no Protestants or other interested citizens in attendance.

Testimony and evidence offered revealed that the subject property is irregularly shaped and contains approximately 25,325 square feet or .581 acres of land zoned R.C.5. As shown on Petitioners' Exhibit 4, the property consists of two (2) adjacent lots numbered 65 and 66 in the Cedar Beach subdivision located in the Holly Neck area of Baltimore County. Specifically, the waterfront lots are located north of Holly Neck Road at the corner of Poplar Road and Lourdes

¹ At the outset of the public hearing, the Petitioner amended the request to read that the proposed dwelling is a "new replacement" dwelling rather than simply a new dwelling. Since this amendment had no effect on the requested relief, Petitioner was permitted to proceed at the hearing as scheduled.

ORDER RECEIVED FOR FILING

Date

By

5-18-10
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Road. The property is currently improved with an existing (33' wide x 55' deep) one-story dwelling built in 1931, long before the latest iteration of the B.C.Z.R. The zoning map marked and accepted into evidence as Petitioners' Exhibit 8 reveals that the existing home is centrally located across the two (2) lots that comprise the subject property. As shown on Exhibits 2 and 3, the Duley's purchased the property on November 25, 2009 and are proposing to raze the existing structure and build a modest two-story dwelling (52' wide x 92'-3" including attached garage) in largely the same building footprint. The Duley's plan to retire and move from northern Baltimore County into the proposed replacement dwelling.

As previously stated, the property is part of the Cedar Beach subdivision, an older development that was recorded in the Land Records of Baltimore County well before the effective date of zoning regulations. As is often the case with older subdivisions, many of the lots do not meet current area and/or width requirements. In this regard, the subject property is approximately 100 feet wide and zoned R.C.5. Since the regulations now require a minimum area of 1.5 acres and 50-foot setbacks to any property line other than a street line, the subject lot(s) of record combined are clearly undersized by today's development standards. Indeed, this property, which has contained a dwelling for nearly 80 years, would not be considered developable if 50-foot side setbacks were strictly enforced on the 100-foot wide property.

Mr. Billingsley explained that the proposed replacement dwelling would be relatively long and narrow in shape and will be moved further from the water than the existing structure. Petitioner submitted the building elevations, which were marked and accepted into evidence as Exhibits 7A-D. As the elevations reveal, the two-story replacement dwelling will contain a one-story garage attached at the rear of the home facing Poplar Road. The replacement dwelling will have the same 22.5 foot side setback on the east side of the dwelling as the existing structure, and will reduce the side setback on the west side of the existing home from 43 to 22.5 feet.

Petitioner also submitted several photographs of the subject property, which were marked and accepted into evidence as Exhibits 5 and 6A-B. As the photographs reveal, the property currently contains a shed on the north side of the existing structure (closer to the water), and a

pool located on the south side of the structure (closer to Poplar Road). The Duley's plan to clean up the property by removing both the shed and the pool and constructing a modest, updated dwelling.

The Zoning Advisory Committee (ZAC) comments were received and are made part of the record of this case. Comments were received from the Office of Planning dated April 23, 2010, which state that the Department reviewed the Petitioners request and accompanying site plan and elevation drawing and finds the proposal to be in accordance with the spirit and intent of the R.C.5 zoning regulations and performance standards listed within Section 1A04.3 of the B.C.Z.R. As such, this office does not oppose the requested variance. Comments were also received from the Department of Environmental Protection and Resource Management (DEPRM), dated May 10, 2010, which state that development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code). The property is within a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 15% without mitigation, but may go up to 5,445 square feet, if approved and with mitigation, for the amount over 15%. A minimum of eight (8) trees is required on site at all times to meet the 15% forest requirement. All BMA requirements must be met.

After careful consideration of the testimony and evidence presented, I am persuaded to grant the relief requested. I find that the Petitioners have met the requirements of Section 307 of the B.C.Z.R. as interpreted in *Cromwell v. Ward*, 102 Md. App. 691 (1995). As noted above, the subject property has been a lot of record for many years, well prior to the adoption of the R.C.5 zoning regulations in 1979, and has contained a dwelling for nearly 80 years. Given the shape and size of the lot, and its location in a subdivision recorded many years prior to the adoption of any zoning regulations in Baltimore County, I find it unique in a zoning sense.

I further find that strict compliance with the regulations would result in practical difficulty or unreasonable hardship for the Petitioners as enforcement of 50 foot side setbacks on a 100 foot wide property would cause this lot to be undevelopable. As the zoning map submitted

as Petitioners' Exhibit 8 reveals, many similarly sized lots contain homes in the area surrounding the subject property. Additionally, the subject property has contained a dwelling for nearly 80 years, and it would be unreasonable to now strictly enforce the side setback requirements on this undersized lot, which would make the property unbuildable.

There were no adverse comments submitted by any County reviewing agency, and in fact the Office of Planning has already reviewed and approved the building elevations and found the proposal to be consistent with the R.C.5 zone and regulations. Additionally, there was no objection from the adjacent property owners who support the proposal. Accordingly, I find that relief can be granted without detrimental impact to the health, safety, or general welfare of the surrounding locale. As demonstrated on the site plan, the Petitioners will be removing an existing pool and shed and building a modest and updated home that will be served by public water and sewer. The improvements will be compatible with the area and the appearance of the property impacting the surrounding locale in a positive rather than negative manner. As the Office of Planning stated, the proposed replacement dwelling is consistent with the performance regulations, and I find that the proposal will permit the Duley's to build a modest home without having any negative effect on the surrounding community.

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 18th day of May 2010 that the Petition for Variance seeking relief from Section 1A04.3.B.2.b of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit side yard setbacks of 22.5 feet and 22.5 feet in lieu of the required 50 feet for a new dwelling on combined existing lots of record, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, the Petitioners are hereby

ORDER RECEIVED FOR FILING

Date

5-18-10

By

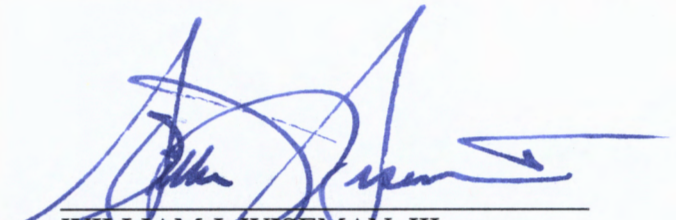
23

made aware that proceeding at this time is at their own risk until the 30-day appeal period from the date of this Order has expired. If an appeal is filed and this Order is reversed, the relief granted herein shall be rescinded.

- 2) Compliance with Chesapeake Bay Critical Area regulations and all other appropriate environmental, floodplain and B.O.C.A. regulations relative to the protection of water quality, streams, wetlands, and floodplains. See attached ZAC comments from the Department of Environmental Protection and Resource Management (DEPRM), dated May 10, 2010, and the Bureau of Development Plans Review (DPR), dated April 8, 2010.

Any appeal of this decision must be made within 30 days of the date of this

Order.



WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw

ORDER RECEIVED FOR FILING

Date 5-18-10

By [Signature]



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

WILLIAM J. WISEMAN III
Zoning Commissioner

May 18, 2010

Robert Duley
Sandra Duley
1 Glen Dairy Court
Parkton, Maryland 21120

RE: **PETITION FOR VARIANCE**
N/S Poplar Road, 48' E of Intersection with Lourdes Road
(2010 Poplar Road)
15th Election District - 6th Council District
Robert Duley, et ux – Petitioners
Case No. 2010-0250-A

Dear Mr. and Mrs. Duley:

Enclosed please find a copy of the decision rendered in the above-captioned matter.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Department of Permits and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Will Wiseman", written over a horizontal line.

WILLIAM J. WISEMAN, III
Zoning Commissioner
for Baltimore County

WJW:dlw
Enclosure

c: David Billingsley, Central Drafting and Design, Inc., 601 Charwood Court,
Edgewood, Maryland 21040
People's Counsel; Office of Planning; DEPRM; DPR; File



Petition for Variance

to the Zoning Commissioner of Baltimore County for the property located at 7010 POPLAR ROAD

which is presently zoned RC5

Deed Reference: 28997/63 Tax Account # 1507830670

This Petition shall be filed with the Department of Permits and Development Management. The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s)

SEE ATTACHED

of the zoning regulations of Baltimore County, to the zoning law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty.)

TO BE PRESENTED AT HEARING

Property is to be posted and advertised as prescribed by the zoning regulations.

I, or we, agree to pay expenses of above Variance, advertising, posting, etc. and further agree to and are to be bounded by the zoning regulations and restrictions of Baltimore County adopted pursuant to the zoning law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Name - Type or Print

Signature

Address

Telephone No.

City

State

Zip Code

Attorney For Petitioner:

Name - Type or Print

Signature

Company

Address

Telephone No.

City

State

Zip Code

Legal Owner(s):

ROBERT DULEY

Name - Type or Print

Signature

SANDRA DULEY

Name - Type or Print

Signature

1 GLEN DAIRY COURT (443) 610-3646

Address

Telephone No.

PARKTON

MD

21120

City

State

Zip Code

Representative to be Contacted:

DAVID BILINGSLEY

CENTRAL DRAFTING & DESIGN, INC.

Name

601 CHARMWOOD CT. (410) 679-8719

Address

Telephone No.

EDGEWOOD

MD

21040

City

State

Zip Code

Case No. 2010-0350-A

Office Use Only

ORDER RECEIVED FOR FILING

Estimated Length of Hearing
Unavailable for Hearing

REV 8/20/07

Date 5-18-10

Reviewed by JM/DT

Date 3/24/10

By 10W

SECTION 1A04.3.B.2.b (BCZR) TO PERMIT SIDE YARD SETBACKS OF 22.5 FEET
AND 22.5 FEET IN LIEU OF THE REQUIRED 50 FEET FOR A NEW DWELLING
ON EXISTING LOTS OF RECORD

2010-0250-A

ZONING DESCRIPTION

2010 POPLAR ROAD

Beginning at a point on the north side of Poplar Road (30 feet wide) distant 48 feet easterly from it's intersection with the center of Lourdes Road (40 feet wide), thence being all of Lots 65 and 66 as shown on the plat entitled Cedar Beach recorded among the Baltimore County plat records in Plat Book 7 Folio 186.

Containing 25,325 square feet or 0.581 acre of land, more or less.

Being known as 2010 Poplar Road. Located in the 15TH Election District, 6TH Councilmanic District of Baltimore County, Md.

2010-0250-A

**DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT
ZONING REVIEW**

ADVERTISING REQUIREMENTS AND PROCEDURES FOR ZONING HEARINGS

The Baltimore County Zoning Regulations (BCZR) require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property (responsibility of the petitioner) and placement of a notice in a newspaper of general circulation in the County, both at least fifteen (15) days before the hearing.

Zoning Review will ensure that the legal requirements for advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements. The newspaper will bill the person listed below for the advertising. This advertising is due upon receipt and should be remitted directly to the newspaper.

OPINIONS MAY NOT BE ISSUED UNTIL ALL ADVERTISING COSTS ARE PAID.

For Newspaper Advertising:

Item Number or Case Number: 2010-0250-A
Petitioner: ROBERT AND SANDRA DULEY
Address or Location: 2010 POPLAR ROAD

PLEASE FORWARD ADVERTISING BILL TO:

Name: DAVID BILLINGSLEY % CENTRAL DRAFTING & DESIGN, INC.
Address: 601 CHARWOOD CT
EDGEWOOD, MD 21040

Telephone Number: (410) 679-8719

BALTIMORE COUNTY, MARYLAND
OFFICE OF BUDGET AND FINANCE
MISCELLANEOUS CASH RECEIPT

No. 1007

Date: 8/24/00

Fund	Dept	Unit	Sub Unit	Rev Source/ Obj	Sub Rev/ Sub Obj	Dept Obj	BS Acct	Amount
001	800	0000		50				15.00

Total: 15.00

Rec

From: CENTRAL MARTIN - 3-24-00

For: 2000-050-H

DISTRIBUTION

WHITE - CASHIER

PINK - AGENCY

YELLOW - CUSTOMER

GOLD - ACCOUNTING

PLEASE PRESS HARD!!!!

**CASHIER'S
 VALIDATION**

**NOTICE OF ZONING
HEARING**

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing in Towson, Maryland on the property identified herein as follows:

Case: # 2010-0250-A

2010 Poplar Road

N/side of Poplar Road, 48 feet east of its intersection with the centerline of Lourdes Road

15th Election District

6th Councilmanic District

Legal Owner(s): Robert &

Sandra Duley

Variance: to permit side yard setbacks of 22.5 feet and 22.5 feet in lieu of the required 50 feet for a new dwelling on existing lots of record.

Hearing: Tuesday, May 11, 2010 at 11:00 a.m. in Room 104, Jefferson Building, 105 West Chesapeake Avenue, Towson 21204.

WILLIAM J. WISEMAN, III
Zoning Commissioner for Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for special accommodations Please Contact the Zoning Commissioner's Office at (410) 887-4386.

(2) For information concerning the File and/or Hearing, Contact the Zoning Review Office at (410) 887-3391.

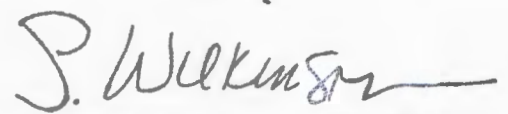
JT/4/905 Apr. 27 238063

CERTIFICATE OF PUBLICATION

4/29/, 2010

THIS IS TO CERTIFY, that the annexed advertisement was published in the following weekly newspaper published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 4/27/, 2010.

- ☒ The Jeffersonian
- ☐ Arbutus Times
- ☐ Catonsville Times
- ☐ Towson Times
- ☐ Owings Mills Times
- ☐ NE Booster/Reporter
- ☐ North County News



LEGAL ADVERTISING

CERTIFICATE OF POSTING

RE: Case No 2010-0250-A

Petitioner/Developer DAVE
BILLINGSLEY

Date Of Hearing/Closing 5/11/10

Baltimore County Department of
Permits and Development Management
County Office Building, Room 111
111 West Chesapeake Avenue

Attention:

Ladies and Gentlemen

This letter is to certify under penalties of perjury that the necessary
sign(s) required by law were posted conspicuously on the property
at 2010 POPLAR ROAD

This sign(s) were posted on April 18, 2010
Month, Day, Year

Sincerely,

Martin Ogle 4/18/10
Signature of Sign Poster and Date

Martin Ogle
60 Chelmsford Court
Baltimore, Md, 21220
443-629-3411

ZONING NOTICE

CASE # 2010-0250-A

**A PUBLIC HEARING WILL BE HELD BY
THE ZONING COMMISSIONER
IN TOWSON, MD**

PLACE: ROOM 104, JEFFERSON BUILDING,
105 WEST CHESAPEAKE AVENUE,
TOWSON, ALBANY

DATE AND TIME: TUESDAY, MAY 11, 2010
AT 11:00 A.M.

REQUEST: VARIANCE TO PERMIT SIDE YARD SETBACKS
OF 32.5 FEET AND 32.5 FEET IN LIEU OF THE REQUIRED
50 FEET FOR A NEW DWELLING ON EXISTING LOTS OF
RECORD

FOR FURTHER INFORMATION, PLEASE CONTACT THE ZONING COMMISSIONER AT 410-526-1000
OR VISIT THE ZONING WEBSITE AT WWW.TOWSONMD.GOV



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

April 13, 2010

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0250-A

2010 Poplar Road

N/side of Poplar Road, 48 feet east of its intersection with the centerline of Lourdes Road

15th Election District – 6th Councilmanic District

Legal Owners: Robert & Sandra Duley

Variance to permit side yard setbacks of 22.5 feet and 22.5 feet in lieu of the required 50 feet for a new dwelling on existing lots of record.

Hearing: Tuesday, May 11, 2010 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204

Timothy Kotroco

Timothy Kotroco
Director

TK:klm

C: Mr. & Mrs. Duley, 1 Glen Dairy Court, Parkton 21120
David Billingsley, Central Drafting & Design, 601 Charwood Ct, Edgewood 21040

- NOTES: (1) **THE PETITIONER MUST HAVE THE ZONING NOTICE SIGN POSTED BY AN APPROVED POSTER ON THE PROPERTY BY MONDAY, APRIL 26, 2010.**
- (2) **HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.**
- (3) **FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.**

TO: PATUXENT PUBLISHING COMPANY
Tuesday, April 27, 2010 Issue - Jeffersonian

Please forward billing to:
David Billingsley
Central Drafting & Design
601 Charwood Court
Edgewood, MD 21040

410-679-8719

NOTICE OF ZONING HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing in Towson, Maryland on the property identified herein as follows:

CASE NUMBER: 2010-0250-A

2010 Poplar Road

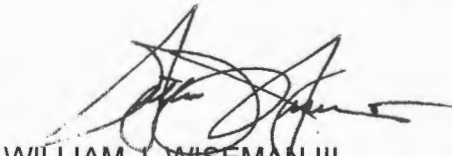
N/side of Poplar Road, 48 feet east of its intersection with the centerline of Lourdes Road

15th Election District – 6th Councilmanic District

Legal Owners: Robert & Sandra Duley

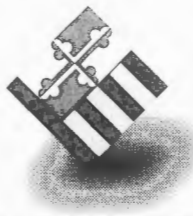
Variance to permit side yard setbacks of 22.5 feet and 22.5 feet in lieu of the required 50 feet for a new dwelling on existing lots of record.

Hearing: Tuesday, May 11, 2010 at 11:00 a.m. in Room 104, Jefferson Building,
105 West Chesapeake Avenue, Towson 21204



WILLIAM J. WISEMAN III
ZONING COMMISSIONER FOR BALTIMORE COUNTY

- NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMODATIONS, PLEASE CONTACT THE ZONING COMMISSIONER'S OFFICE AT 410-887-4386.
- (2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THE ZONING REVIEW OFFICE AT 410-887-3391.



BALTIMORE COUNTY

M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

TIMOTHY M. KOTROCO, *Director*
Department of Permits and
Development Management

May 5, 2010

Robert & Sandra Duley
1 Glen Dairy Ct.
Parkton, MD 21120

Dear: Robert & Sandra Duley

RE: Case Number 2010-0250-A, Address

The above referenced petition was accepted for processing **ONLY** by the Bureau of Zoning Review, Department of Permits and Development Management (PDM) on March 24, 2010. This letter is not an approval, but only a **NOTIFICATION**.

The Zoning Advisory Committee (ZAC), which consists of representatives from several approval agencies, has reviewed the plans that were submitted with your petition. All comments submitted thus far from the members of the ZAC are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to ensure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. All comments will be placed in the permanent case file.

If you need further information or have any questions, please do not hesitate to contact the commenting agency.

Very truly yours,

A handwritten signature in dark ink, reading "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Supervisor, Zoning Review

WCR:lnw

Enclosures

c: People's Counsel
David Billingsley: Central Drafting & Design, Inc.; 601 Charwood Ct.; Edgewood Md. 21040



BALTIMORE COUNTY
M A R Y L A N D

JAMES T. SMITH, JR.
County Executive

JOHN J. HOHMAN, *Chief*
Fire Department

County Office Building, Room 111
Mail Stop #1105
111 West Chesapeake Avenue
Towson, Maryland 21204

April 19, 2010

ATTENTION: Zoning Review Planners

Distribution Meeting Of: April 19, 2010

Item Numbers: 0250 through 0260

Pursuant to your request, the referenced plan(s) have been reviewed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

1. The Fire Marshal's Office has no comments at this time.

Lieutenant Roland P Bosley Jr.
Fire Marshal's Office
410-887-4881 (C) 443-829-2946
MS-1102F

cc: File

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence



RECEIVED

MAY 11 2010

ZONING COMMISSIONER

TO: Timothy M. Kotroco
FROM: Dave Lykens, DEPRM - Development Coordination
DATE: May 10, 2010
SUBJECT: Zoning Item # 10-250-A
Address 2010 Poplar Road
(Duley Property)

Zoning Advisory Committee Meeting of April 5, 2010.

X The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item:

X Development of this property must comply with the Chesapeake Bay Critical Area Regulations (Sections 33-2-101 through 33-2-1004, and other Sections, of the Baltimore County Code).

Additional Comments:

The property is within a Limited Development Area (LDA) and Buffer Management Area (BMA) of the Chesapeake Bay Critical Area. Lot coverage is limited to 15% without mitigation, but may go up to 5,445 square feet, if approved and with mitigation, for the amount over 15%. A minimum of eight trees are required on site at all times to meet the 15% forest requirement. All BMA requirements must be met.

Reviewer: Paul Dennis

Date: May 10, 2010

BALTIMORE COUNTY, MARYLAND

INTEROFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits & Development
Management

DATE: April 8, 2010

FROM: ^{DMK}
Dennis A. Kennedy, Supervisor
Bureau of Development Plans Review

SUBJECT: Zoning Advisory Committee Meeting
For April 19, 2010
Item No.: 2010-250

The Bureau of Development Plans Review has reviewed the subject zoning item and we have the following comment(s).

The base flood elevation for this site is 10.2 feet Baltimore County Datum.

The flood protection elevation for this site is 11.2 feet.

In conformance with *Federal Flood Insurance* requirements, the first floor or basement floor must be at least 1 foot above the flood plain elevation in all construction.

The property to be developed is located adjacent to tidewater. The developer is advised that the proper sections of the *Baltimore County Building Code* must be followed whereby elevation limitations are placed on the lowest floor (*including basements*) of residential (*commercial*) development.

The building engineer shall require a permit for this project.

The building shall be designed and adequately anchored to prevent flotation, collapse, or lateral movement of structure with materials resistant to flood damage.

Flood-resistant construction shall be in accordance with the Baltimore County Building Code which adopts, with exceptions, the *International Building Code*.

DAK:CEN:cab

cc: File

G:\DevPlanRev\ZAC - Comments\ZAC-ITEM NO 2010-0250-04192010.doc

ORDER RECEIVED FOR FILING

Date

5-18-10

By

103

BW 5/11 11AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: April 6, 2010

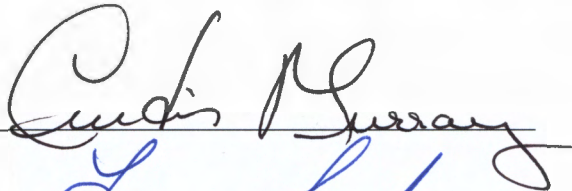
FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-250- Variance**

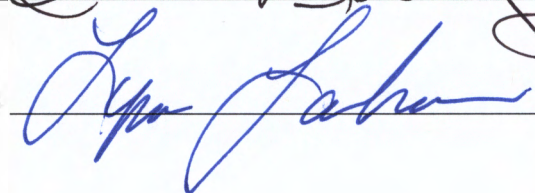
The Office of Planning has reviewed the above referenced case(s) and has no comments to offer.

For further questions or additional information concerning the matters stated herein, please contact Laurie Hay in the Office of Planning at 410-887-3480.

Prepared By:



Division Chief:
CM/LL



RECEIVED

APR 07 2010

ZONING COMMISSIONER

BW 5/11 11AM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Timothy M. Kotroco, Director
Department of Permits and
Development Management

DATE: April 23, 2010

RECEIVED

FROM: Arnold F. 'Pat' Keller, III
Director, Office of Planning

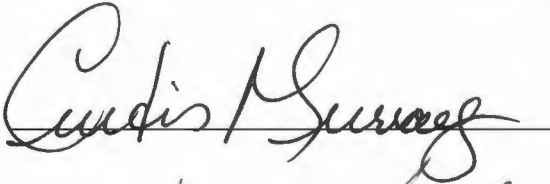
APR 23 2010

ZONING COMMISSIONER

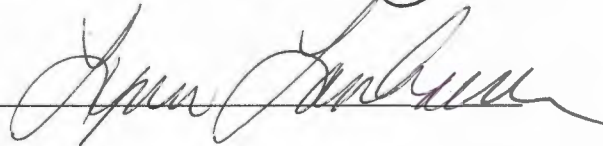
SUBJECT: Zoning Advisory Petition(s): **Case(s) 10-250- Variance**

The Office of Planning reviewed the petitioner's request and accompanying site plan and elevation drawing and finds the proposal to be in accordance with the spirit and intent of the RC 5 zoning regulations and performance standards listed within Section 1A04.3 of the Baltimore County Zoning Regulations. As such, this office does not oppose the requested variance.

Prepared By:



Division Chief:



CM/LL

Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor



MARYLAND DEPARTMENT OF TRANSPORTATION

Beverley K. Swaim-Staley, Secretary
Neil J. Pedersen, Administrator

Date: APRIL 12, 2010

Ms. Kristen Matthews
Baltimore County Office Of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

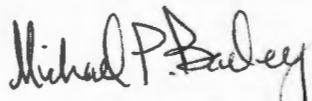
RE: Baltimore County
Item No. 2010-0250-A
2010 POPLAR ROAD
DIALEY PROPERTY
VARIANCE -

Dear Ms. Matthews:

Thank you for the opportunity to review your referral request on the subject of the above captioned. We have determined that the subject property does not access a State roadway and is not affected by any State Highway Administration projects. Therefore, based upon available information this office has no objection to Baltimore County Zoning Advisory Committee approval of Item No. 2010-0250-A.

Should you have any questions regarding this matter, please contact Michael Bailey at 410-545-5593 or 1-800-876-4742 extension 5593. Also, you may E-mail him at (mbailey@sha.state.md.us).

Very truly yours,


For Steven D. Foster, Chief
Engineering Access Permits
Division

SDF/mb

RE: PETITION FOR VARIANCE * BEFORE THE
2010 Poplar Road; N/S Poplar Road, 48' E *
of intersection with c/line of Lourdes Road * ZONING COMMISSIONER
15th Election & 6th Councilmanic Districts *
Legal Owner(s): Robert & Sandra Duley * FOR
Petitioner(s) * BALTIMORE COUNTY
* 10-250-A

* * * * *

ENTRY OF APPEARANCE

Pursuant to Baltimore County Charter § 524.1, please enter the appearance of People's Counsel for Baltimore County as an interested party in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and the passage of any preliminary or final Order. All parties should copy People's Counsel on all correspondence sent and all documentation filed in the case.

RECEIVED

APR 12 2010

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio

CAROLE S. DEMILIO
Deputy People's Counsel
Jefferson Building, Room 204
105 West Chesapeake Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 12th day of April, 2010, a copy of the foregoing Entry of Appearance was mailed to David Billingsley, Central Drafting & Design, Inc, 601 Charwood Court, Edgewood, MD 21040, Representative for Petitioner(s).

Peter Max Zimmerman

PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

CASE NAME 2010 POPLAR ROAD
CASE NUMBER 2010-0250-A
DATE 5/11/10

[illegible]

CHECKLIST**Comment
Received****Department****Support/
Oppose**✓ 4/8

DEVELOPMENT PLANS REVIEW

CommentsMissing 5/5

DEPRM (Email to Jeff Livingston 5/5)

✓ 4/19

FIRE DEPARTMENT

No Comment✓ 4/23

PLANNING

Does not oppose✓ 4/12

STATE HIGHWAY ADMINISTRATION

No objection

TRAFFIC ENGINEERING

ZONING VIOLATION

✓ 4/27

NEWSPAPER ADVERTISEMENT

✓ 4/12

PEOPLE'S COUNSEL APPEARANCE

PRIOR ZONING

✓ 4/8

SIGN POSTING

Comments, if any: _____



Maryland Department of Assessments and Taxation

BALTIMORE COUNTY

Real Property Data Search (2007 vml.1d)

Go Back

View Map

New Search

Account Identifier:

District - 15 Account Number - 1507830670

Owner Name:

DULEY ROBERT

DULEY SANDRA

1 GLEN DAIRY CT

PARKTON MD 21120-9509

Use:

Principal Residence:

Deed Reference:

RESIDENTIAL

NO

1) /28997/ 63

2)

Mailing Address:

Premises Address

2010 POPLAR RD

Location & Structure Information

Legal Description

LT 65.66

2010 POPLAR RD

CEDAR BEACH

Assessment Area

3

Plat No:

Plat Ref:

7/ 186

Map Grid

Parcel

12

Sub District

Town

Ad Valorem

Tax Class

Enclosed Area

1,212 SF

Section

1

Block

Lot

Property Land Area

24,600.00 SF

Type

STANDARD UNIT

County Use

34

Special Tax Areas

Primary Structure Built

1931

Basement

NO

Stories

1

Base Value

Land

165,650

Improvements:

67,010

Total:

232,660

Preferential Land:

0

Value

As Of

01/01/2009

205,650

Value

As Of

07/01/2009

65,250

Phase-In Assessments

As Of

07/01/2010

270,900

245,406

258,152

Transfer Information

Date:

12/21/2009

Deed1:

/28997/ 63

Date:

05/17/1995

Deed1:

/11048/ 630

Date:

02/21/1975

Deed1:

/ 5509/ 843

Price:

\$229

Deed2:

Price:

\$1

Deed2:

Price:

Deed2:

Exemption Information

Class

000

000

000

07/01/2009

0

0

0

Special

Partial Exempt Assessments

County

State

Municipal

Tax Exempt:

Exempt Class:

NO

Seller:

REVEREND FRANCIS XAVIER ZORBACH

Type:

IMPROVED ARMS-LENGTH

Seller:

ZORBACH JOHN RAYMOND

Type:

NOT ARMS-LENGTH

Seller:

EVERITT GERALDINE A

Type:

IMPROVED ARMS-LENGTH

P.251

P.252

P.253

P.254

P.255

P.256

P.257

P.258

P.259

P.260

P.233

P.234

P.235

P.236

Go Back
View Map
New Search

Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 yw1.1d)
District - 15 Account Number
Owner

Account Identifier: _____
Name: _____

District - 15 Account Number - 1507830670

Use: _____
Principal Residence: _____
Deed Reference: _____

RESIDENTIAL
NO
1) /28997/ 63
2)

Owner Name: _____

DULEY ROBERT
DULEY SANDRA
1 GLEN DAIRY CT
PARKTON MD 21120-9509
Location 8

Mailing Address:

21120-9509
Location & Structure Information

Legal Description	Acres	Owner
LT 65,66 10 POPLAR RD EACH		

2010 FC
CEDAR BEACH
Assessment Area
3

Plat No: 7/186
Plat Ref:

Premises Address
2010 POPLAR RD

Address: 0 POPLAR RD

Map 98 Grid 20 Parcel 12

Areas

Sub District

Town Ad Valorem Tax Class

WATERFRONT Subdivision

Built

Property Land Area
24,600.00 SF

County Use
34
Exterior
SIDING

Special Tax Areas

Tax Areas

Primary Structure Built
1931

Basement
NO

Enclosed Area
1,212 SF

Type
STANDARD UNIT

Stories
1

Base Value

Value Information		As Of
Value	Phase-In Assessments	
As Of	As Of	07/01/2010
07/01/2009		

Land
Improvements:
Total:
Land:

Value	0
165,650	
67,010	
232,660	

01/01/2001
205,650
65,250
270,900

258,152

Transfer Information **Date:**

Price: \$229
Deed2:
Price: \$1
Deed2:
Price:
Deed2:

Improvements:	250	0
Total:		
Preferential Land:		
Seller: REVEREND FRANCIS XAVIER ZORBACH		
Type:	IMPROVED ARMS-LENGTH	
Seller: ZORBACH JOHN RAYMOND		
Type:	NOT ARMS-LENGTH	
Seller: EVERITT GERALDINE A		
Type:	IMPROVED ARMS-LENGTH	
nt Assessments		

Exemption Information	Class
000	000
000	000

07/01/2009

Special

Partial Exempt Assessments

NO

The information shown on this map has been derived from a 1990 aerial photograph and a 1990 survey. The map should not be used for any other purpose. Maryland Department of Planning Mapping Division

org/rp_rewrite/details.aspx?County=0

From: Debra Wiley
To: Livingston, Jeffrey
Date: 5/5/2010 3:24 PM
Subject: Comment Needed for Bill
Attachments: May Calendar - Z.C. Office

*Travis
Debra
5/5*

Hi Jeff,

In reviewing Bill's case files for next week, it appears he needs a comment for the following:

5/11 @ 11 AM - 2010-0250-A (CBCA)

Thanks.

Debbie Wiley
Legal Administrative Secretary
Office of the Zoning Commissioner
105 West Chesapeake Avenue, Suite 103
Towson, Md. 21204
410-887-3868
410-887-3468 (fax)
dwiley@baltimorecountymd.gov

Case No.: 2010-0250-A 2010 Poplar Rd

Exhibit Sheet

Petitioner/Developer

Protestant

No. 1	SITE PLAN	
No. 2	SDAT Property Data	
No. 3	DEED OF RECORD	
No. 4	PORTION OF CEDAR BEACH SUBDIVISION PLAT	
No. 5	AERIAL PHOTO	
No. 6 A-B	PHOTOS	
No. 7 A-D	BLDG ELEVATIONS	
No. 8	PATTERN OF DEVELOPMENT AERIAL VIEW	
No. 9		
No. 10		
No. 11		
No. 12		



Maryland Department of Assessments and Taxation
BALTIMORE COUNTY
Real Property Data Search (2007 vw6.3d)

[Go Back](#)
[View Map](#)
[New Search](#)

Account Identifier: District - 15 Account Number - 1507830670

Owner Information

Owner Name:	DULEY ROBERT DULEY SANDRA	Use:	RESIDENTIAL
Mailing Address:	1 GLEN DAIRY CT PARKTON MD 21120-9509	Principal Residence:	NO
		Deed Reference:	1) /28997/ 63 2)

Location & Structure Information

Premises Address	Legal Description
2010 POPLAR RD	LT 65,66 2010 POPLAR RD CEDAR BEACH
WATERFRONT	

Map	Grid	Parcel	Sub District	Subdivision	Section	Block	Lot	Assessment Area	Plat No:
98	20	12			1			3	Plat Ref: 7/ 186

Special Tax Areas

Town
Ad Valorem
Tax Class

Primary Structure Built	Enclosed Area	Property Land Area	County Use
1931	1,212 SF	24,600.00 SF	34
Stories	Basement	Type	Exterior
1	NO	STANDARD UNIT	SIDING

Value Information

	Base Value	Value	Phase-in Assessments	
		As Of	As Of	As Of
		01/01/2009	07/01/2009	07/01/2010
Land	165,650	205,650		
Improvements:	67,010	65,250		
Total:	232,660	270,900	245,406	258,152
Preferential Land:	0	0	0	0

Transfer Information

Seller: REVEREND FRANCIS XAVIER ZORBACH	Date: 12/21/2009	Price: \$229,900
Type: IMPROVED ARMS-LENGTH	Deed1: /28997/ 63	Deed2:
Seller: ZORBACH JOHN RAYMOND	Date: 05/17/1995	Price: \$1
Type: NOT ARMS-LENGTH	Deed1: /11048/ 630	Deed2:
Seller: EVERITT GERALDINE A	Date: 02/21/1975	Price: \$13,500
Type: IMPROVED ARMS-LENGTH	Deed1: / 5509/ 843	Deed2:

Exemption Information

Partial Exempt Assessments	Class	07/01/2009	07/01/2010
County	000	0	0
State	000	0	0
Municipal	000	0	0

Tax Exempt: NO
Exempt Class:

Special Tax Recapture:
 * NONE *

PETITIONER' S

EXHIBIT NO. 2

028997 063

Case No.: TM09-0332-CH-
Title Insurer: STG, LLC
Tax Account No.: 15-07-0670

PERSONAL REPRESENTATIVE DEED

THIS **PERSONAL REPRESENTATIVE DEED**, made this 25th day of November, 2009, by and between first part, and Robert Duley and Sandra Duley, as tenants by the entirety, party(ies) of the

WITNESSETH, that in consideration of Two Hundred Twenty Nine Thousand and 00ths Dollars (\$229,900.00), receipt of which is hereby acknowledged, and which party of the first part certifies under penalties of perjury as the actual consideration paid or to be paid, including the amount of any mortgage or Deed of Trust outstanding, the said party of the first part does grant and convey unto the party(ies) of the second part, in Fee Simple as, all of the piece or parcel of the land situate, lying and being in Baltimore, Maryland, and as described as follows that is to say:

Being known and designated as Lots Nos. 65 and 66 as shown on the Plat of Cedar Beach, Section 1, filed among the Land Records of Baltimore County, Maryland in Plat Book W.P.C. #7, folio 186.

Subject to restrictions in Liber L.Mc.L.M. 843, folio 68.

Subject to a pole agreement in Liber W.J.R. 4016, folio 575.

The improvements thereon being known as 2010 Poplar Road, Baltimore, Maryland
Tax ID# 15-1507830670

BEING the same property, which by Deed dated April 27, 1995, and recorded among Land Records of Baltimore County, MD in Liber 11048, folio 630, was granted and conveyed to Reverend Francis Xavier Zorbach, Personal Representative of the Estate of Reverend John Zorbach, departed this life on or about November 8, 2008. Estate NO: 151324.

SUBJECT to covenants, easements and restrictions of record.

TO HAVE AND TO HOLD said land and premises above described and hereby intended to be conveyed, together with the buildings and improvements thereon made or being, and all and every title, right, privilege, appurtenance and ad belonging, or in anywise appertaining, unto and for the proper use only, benefit and said party(ies) of the second part in fee simple.

AND said party of the first part does hereby covenant to execute said land as may be requisite or necessary.

THIS IS TO
duly admitted to practice

GRANTOR MAILING ADDRESS
6736 Youngstown Avenue
Baltimore, Maryland 21222

GRANTEE MAILING ADDRESS
1 Glen Dairy Court
Parkton, MD 21120

RETURN TO AFTER RECORD

MORE COUNTY CIRCUIT COURT (Land Records) [MSA CE 62-28852] Book SM 28997, p. 0063. Print



6a

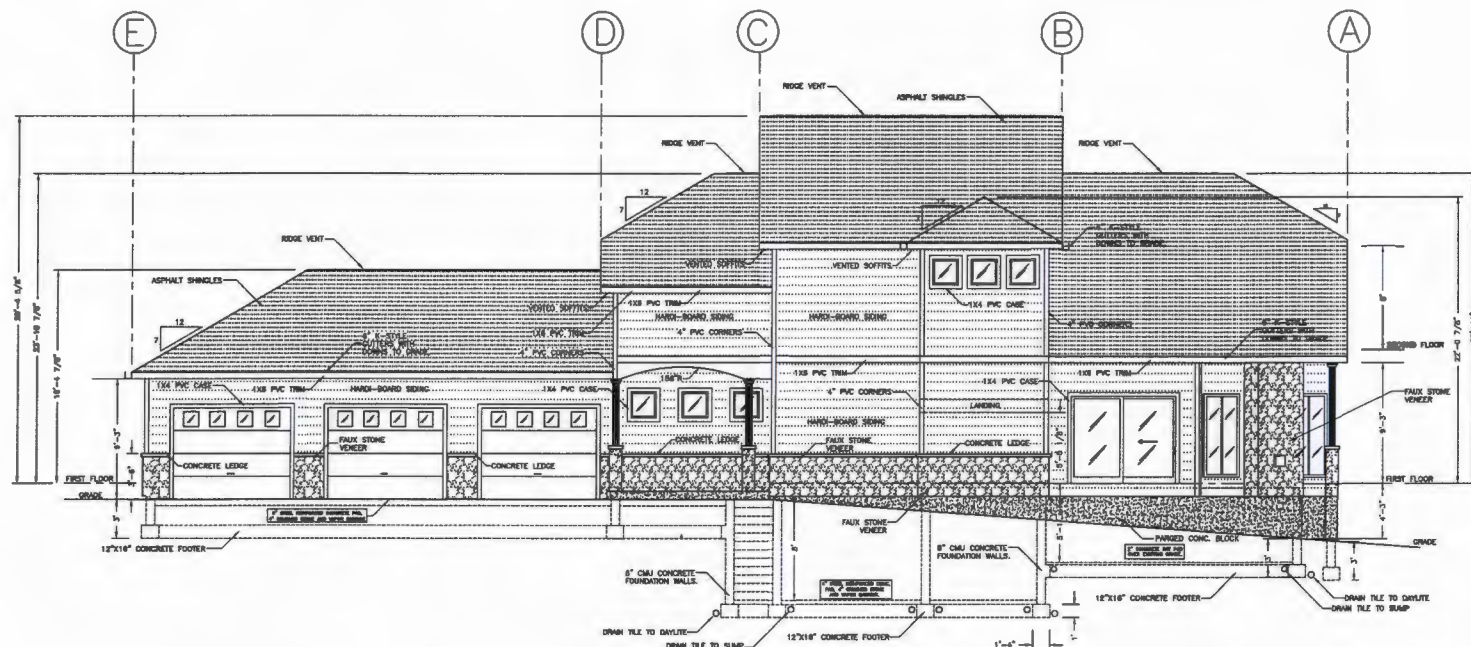


6b

PETITIONER' S

EXHIBIT NO. 6a-6b

EAST ELEVATION

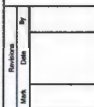


B L A N E LTD.

ARCHITECTURAL SPACE PLANNING
8807 Primrose Drive - Mt. Washington, Maryland 2120

1/4"

YELLOW



NEW HOME
Project: ROBERT DULEY ROAD
Client: S. BLANE
Address: 2010 POPLAR ROAD
City: BALTIMORE, MARYLAND 21221
Date: EAST ELEVATION

3-12-10
S. BLANE
SERIO
2010

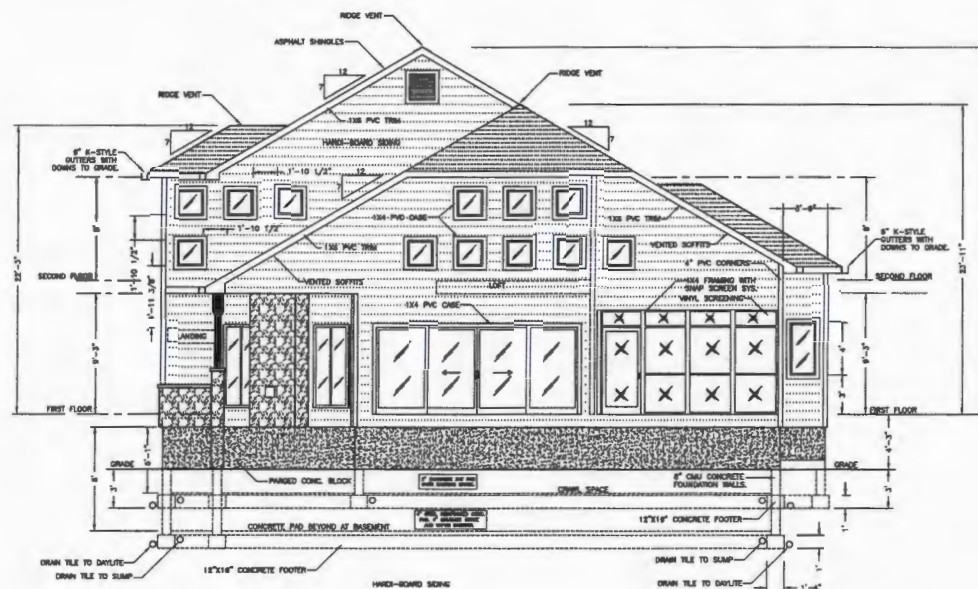
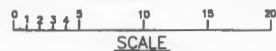
6 of 12

PETITIONER'S

EXHIBIT NO. 7a-71d

7a

NORTH ELEVATION



B L A N E LTD.
ARCHITECTURAL SPACE PLANNING AND DESIGN
6807 Finkbeiner Drive - Mt. Washington, Maryland 21209 - 410-852-5500

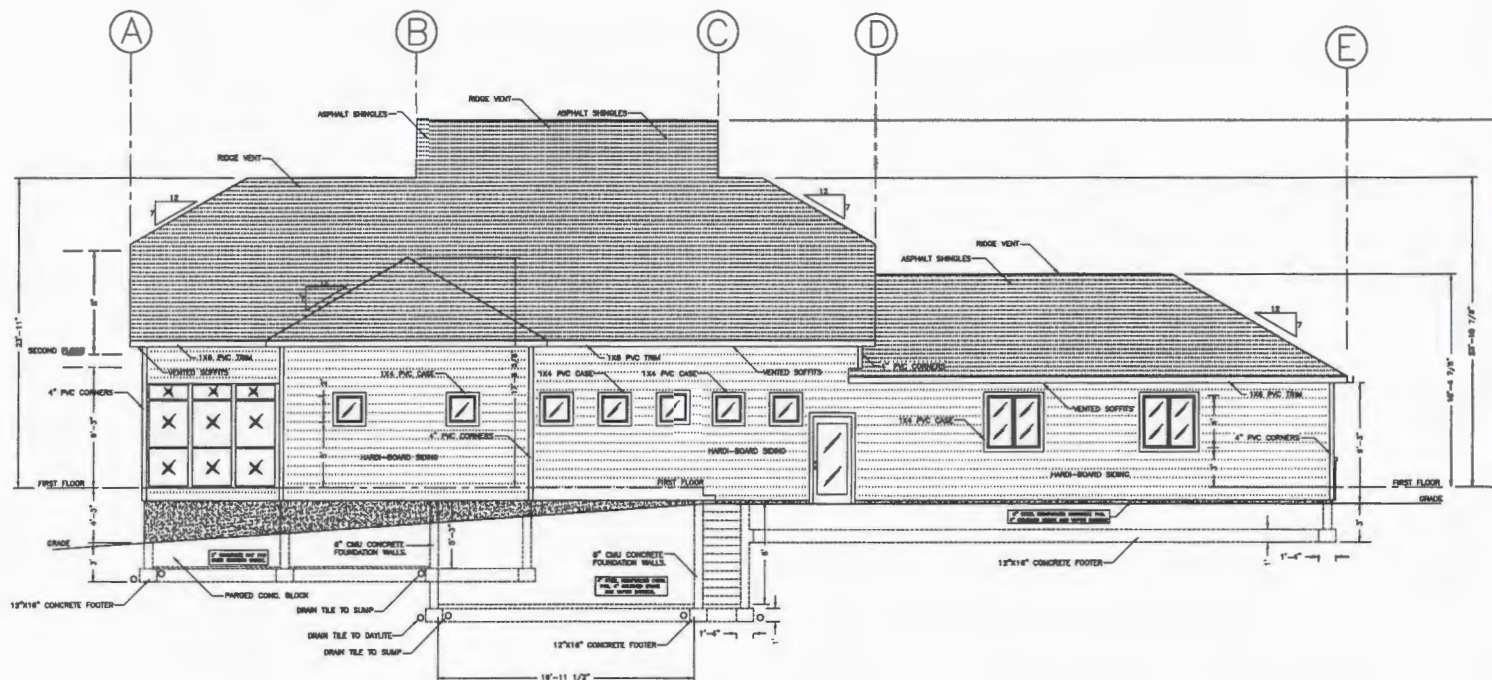
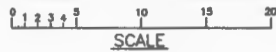
1/4"
YELLOW

Project: NEW HOME
Client: ROBERT DULLEY ROAD
2010 POPLAR
BALTIMORE, MARYLAND 21221
Architect: J. SERIO
Date: 2/10
View: NORTH ELEVATION

3-12-10
S. BLANE
J. SERIO
2/10

76

WEST ELEVATION



B L A N E LTD.
ARCHITECTURAL SPACE PLANNING AND DESIGN
6807 Peninsula Drive - Mt. Washington, Maryland 21209 - 410-862-5500

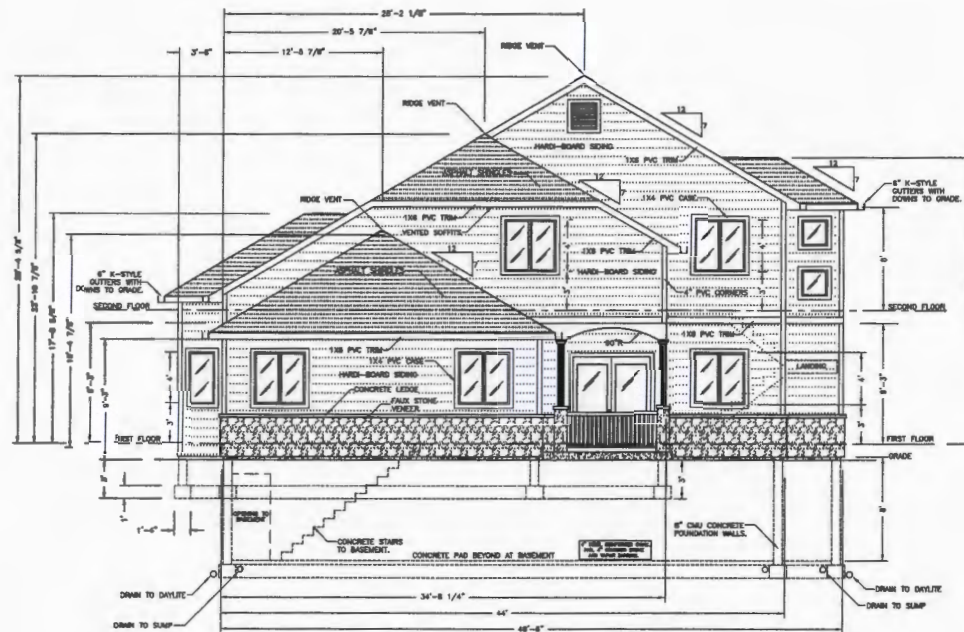
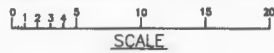
1/4"
YELLOW

Project: NEW HOME
Client: ROBERT DULEY
Address: 2010 POPLAR ROAD
City: BALTIMORE, MARYLAND 21221
Sheet: WEST ELEVATION

3-12-10
S. BLANE
SERIO
2010

7C

SOUTH ELEVATION



B L A N E LTD.
ARCHITECTURAL SPACE PLANNING AND DESIGN
6807 Primco Drive - Mt. Washington, Maryland, 21209 - 410-982-2590

1/4"
YELLOW

NEW HOME
ROBERT DULLEY ROAD
2010 POPLAR
BALTIMORE, MARYLAND 21221
SOUTH ELEVATION

3-12-10
S. BLANE
J. SERIO
2010

7d



SE 2-J
098A3

6 CD 15 ED

RC 5

POPLAR RD

POPLAR RD

Bowleys Quarters-Back River Neck Area

PETITIONER'S

EXHIBIT NO.

8

2010-0250-A



PETITIONER'S

EXHIBIT NO.

5

The map shows a grid of lots with various dimensions and lot numbers. Key features include:

- ROAD**: A horizontal road at the top and a vertical road on the left.
- CREEK**: A vertical feature on the left side.
- MARSH**: Areas labeled 'MARSH' are located in the center and bottom right.
- POP**: A label 'POP' is visible on the right side.
- Highlighted Lot**: A lot in the top right corner is outlined in red.

PETITIONER'S
EXHIBIT NO. 4

CEDAR BEACH SECTION 1

EXHIBIT NO.

CEDAR BEACH
SECTION 1
P. B. 7 F. 186
4/21/25

